

To: Johnson, Kathleen[Johnson.Kathleen@epa.gov]
From: Woo, Nancy
Sent: Wed 6/10/2015 10:16:35 PM
Subject: FW: Delta - BDCP (now "WaterFix" tunnels) schedule for 404

FYI

Nancy Woo

Acting Director, Water Division

U.S. EPA, Region 9

75 Hawthorne St, San Francisco, CA 94105

Phone: 415-972-3409

From: Brush, Jason
Sent: Wednesday, June 10, 2015 3:14 PM
To: Kao, Jessica; Woo, Nancy
Subject: Delta - BDCP (now "WaterFix" tunnels) schedule for 404

As I mentioned this morning, we just got this schedule from DWR. It would be good to get the 404 elements on Jared's radar. It has Corps issuing a 404 PN for the tunnels at end of July, with the deadline set to align with the SDEIS (Sept 28). This means we will have to stake out positions on both the EIS rating and on the 404(q) process, and have several options on how we do that. If we designate the Delta as ARNI (which would be my recommendation), there will be much necessary political pre-work. -JB

PROJECT COMPONENT	RESPONSIBLE PARTY	START	END	STATUS	COMMENTS
1.0 Jurisdictional Delineation					
1.6 Submittal of supplemental information to the Corps	Jean	Jan 2015	05/08/2015	In Progress	Response to Corps review and addition of Corps polygons. Expected to be last of the supplemental data. Verification expected with no changes.
1.7 Verification letter from Corps	Corps	05/08/2015	06/12/2015	In Progress	

Corps		progress
2.0 Application Processing		
2.5 Submit application package to Corps	Mike/Cassandra	07/10/2015This is an application package that allows the Corps to run their public noticing concurrent with the Supplemental DEIS. It does not include the alternatives analysis information or a detailed mitigation plan (very conceptual only).
2.6 Corps indicates application is complete for the purposes of the PN	Corps	07/10/2015
2.7 Corps issues public notice	Corps	07/27/2015Comment period assumed as expanded 60-day notice. Assumed no public hearings
2.8 Response to public notice comments	Karen (w/support from team)	09/28/2015Assumes DWR receives comments within 2 weeks of PN closing date
2.9 Corps reviews and responds to conceptual mitigation plan	Corps	08/01/2015Assumes Corps will evaluate mitigation concepts before agreeing to LEDPA (task 2.13)
2.10 Section 7 compliance	Corps/Bureau/USFWS/SHPO	11/30/2015Tied to 7.1. Needed for Permit Issuance
2.11 Section 106 compliance	Corps/SHPO	11/30/2015Tied to 6.13. Needed for Permit Issuance
2.12 Water Quality Certification issued	State Water Resources Control Board	03/31/2016Tied to 8.5. Needed for Permit Issuance
2.13 Corps reviews and responds to alternatives information	Corps	10/01/2015Tied to 3.9. Needed for Permit Issuance
2.14 Corps approves final mitigation plan, CE, LTMP	Corps	02/15/2016Tied to 5.9. Needed for Permit Issuance
2.15 Corps issues ROD[1]/Permit (except components needing 408 clearance[2])		03/31/2016Tied to 2.10, 2.11, 2.12, 2.13, and 2.14. Needed for Permit Issuance
3.0 404(b)(1) Alternatives Analysis		
3.9 Final alternatives analysis	Brian, Marc, Karen	09/15/2015
4.0 Conceptual Mitigation Plan		
4.6 Final conceptual mitigation plan, which presents a suite of mitigation options	Karen	06/15/2015
5.0 Final (Detailed) Mitigation Plan		
5.9 Final detailed mitigation plan, CE, LTMP to Corps	Karen	01/31/2016Tied to 2.14
6.0 Section 106 PA		

6.8 Administrative Draft PA submitted to Corps	Jackie/Team	05/22/2015	
6.9 Corps initiates formal consultation with SHPO	Corps	07/15/2015	
6.10 DWR engagement with the tribes to satisfy any DWR tribal policies	Anecita/Jackie	08/15/2015	
6.11 DWR/Corps formally coordinate with tribes	DWR/Corps	08/15/2015	This is the necessary "government to government" coordination between the Corps and the tribes.
6.12 SHPO review of PA	SHPO	08/15/2015	
6.13 Finalize PA based on SHPO comments and Tribal input	Corps	09/15/2015	Completion date tied to 2.13 (Corps agreement with 404(b)(1))
7.0 Endangered Species Act Coordination			
7.1 Bureau and Corps initiate Section 7 consultation	Corps/Bureau/USFWS	03/15/2016	Tied to 2.15 (needed prior to ROD/Permit issuance)
8.0 Water Quality Certification[3]			
8.5 Board issues 401 certification	State Water Resources Control Board	03/31/2016	Tied to 2.15 (Need 401 in hand prior to ROD/Permit issuance)

Jason A. Brush
Supervisor, Wetlands Section
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street (WTR-2-4)
San Francisco, CA 94105

~~~~~  
**desk: 415.972.3483**  
 ~~~~~

[1] A significant effort is made to incorporate additional information into the supplemental draft EIS such that the Corps deems the additional information sufficient for §404 and §10 permitting needs.

[2] Each 408 clearance will need a higher level of engineering detail than will be available at the time of §404 permit issuance. All 408 clearance areas will be excluded from the initial issued permit and will become “Phase 2” 404 actions for which permits will be sought once engineering is at sufficient level of detail for 408 clearance. However, all technical documents in support of permit issuance (alternatives analysis, mitigation plan, biological opinion, historic properties, 401 certification) will contemplate and evaluate the entire project, including the 408 crossings.

[3] This process is in parallel to the new point of diversion authorization process. The schedule assumes that the 401 certification can be issued by the State Board within the timeframe specified.